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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF:	:	Administrative Action
	:	
<b>GEORGE FLUGRAD, D.M.D.</b>	:	
<b>License No. 22DI01279500</b>	:	<b>CONSENT ORDER</b>
	:	
LICENSED TO PRACTICE DENTISTRY	:	
IN THE STATE OF NEW JERSEY	:	
	:	
	:	

The New Jersey State Board of Dentistry ("Board") reviewed information that George Flugrad, D.M.D. ("Dr. Flugrad" or "respondent") permitted office staff to perform duties beyond the scope of permissible practice; had failed to secure prescription pads; failed to maintain appropriate patient records; and had failed to treat two patients within the standard of care for dentists practicing in this State.

On June 18, 2008 Dr. Flugrad appeared with counsel, Douglas Widman, Esq., at an investigative inquiry. Respondent admitted that he allowed unlicensed personnel to take x-rays, and that he

did not list in the patient record, prescriptions written for an employee. In addition, of the eleven prescriptions for that former employee, respondent admitted to writing only three of those prescriptions. Respondent testified that the former employee admitted to stealing at least one prescription pad.

On July 1, 2009 respondent appeared with counsel, Joseph Cooney, Esq., at an investigative inquiry regarding his treatment of F.K., a twenty-one year old patient, who presented for the extraction of three wisdom teeth. The patient's medical history revealed a genetic disorder - immune deficiency. Dr. Flugrad testified that he reviewed Keller's medical history and questioned him regarding the noted "autoimmune disease." Respondent further testified that he attempted to phone Keller's physician but was unable to reach him. He extracted the teeth without the benefit of a medical consultation regarding the patient's rare disorder. Within twelve (12) hours, F.K. suffered a fatal angioedemic attack. Upon being informed of his patient's death, respondent failed to notify the Board pursuant to N.J.A.C. 13:30-8.8. During his appearance, Dr. Flugrad also discussed his internet advertising and procedures he offers to perform, including ear lobe repair. Following respondent's appearance, the Board received a complaint from patient Z.M., who presented for extraction of a wisdom tooth that was infected. Review of the patient record demonstrates that respondent failed to exercise appropriate clinical judgment in his

selection of anesthesia, resulting in the patient experiencing unnecessary discomfort.

Having reviewed the entire record, including respondent's testimony at the investigative inquiries, it appears to the Board that the facts establish a basis for disciplinary action pursuant to: N.J.S.A. 45:1-21(c), as respondent engaged in acts that constitute gross negligence or malpractice; N.J.S.A. 45:1-21(e) as respondent failed to secure prescription pads and permitted unlicensed persons to take x-rays; and N.J.S.A. 45:1-21(h), as respondent failed to comply with Board regulations, N.J.A.C. 13:30-8.7 (recordkeeping), and N.J.A.C. 13:30-8.8(b), (failure to notify the Board of the death of a patient following dental treatment).

It appears that respondent desires to resolve these matters without recourse to formal proceedings, and the Board has determined that the terms of this order are adequately protective of the public health, safety, and welfare, and for good cause shown:

IT IS ON THIS 12<sup>th</sup> DAY OF September, 2011

**HEREBY ORDERED AND AGREED THAT:**

1. The license of George Flugrad, D.M.D., to practice dentistry is suspended for a period of two (2) years, beginning October 15, 2011, for his conduct related to the treatment of F.K. The first three (3) months of the suspension shall be served as an active suspension, with the remaining period stayed and served as

a period of probation.

2. Respondent, George Flugrad, D.M.D., is reprimanded for engaging in acts of gross negligence and professional misconduct.

3. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22 in the amount of \$10,000, which reflects a penalty of \$2,500 for failing to comply with record keeping regulations; \$2,500 for permitting unlicensed personnel to take x-rays; \$4,000 for failing to keep prescription pads secure, and \$1,000 for failure to timely notify the Board regarding a patient death.

4. Respondent shall be assessed investigation costs to the State of New Jersey \$7,677.93.

5. The civil penalty of \$10,000 and the investigative costs of \$7,677.93 shall be made in eighteen monthly payments as follows: seventeen payments of \$1,000 and a final payment of \$677.93. The first payment shall be due by October 15, 2011, and subsequent payments shall continue to be due by the fifteenth of each month until all eighteen payments are completed. Payment shall be submitted by certified check or money order payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, P.O. Box 45005, 124 Halsey Street, Sixth Floor Newark, New Jersey 07101. In the event that respondent does not make a timely payment, the full balance will immediately become due. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

6. Failure to remit any payment required by this Order will result in the filing of a certificate of debt and such other proceedings as permitted by law.

7. Respondent shall fully attend, successfully complete, and pass an ethics course prior to reinstatement of license. Respondent shall complete the PROBE (Professional problem Based Ethics) course offered by the Ethics Group, 89 Summit Avenue, Suite 185, Summit, New Jersey 07901, or the PRIME (Professional Renewal in Medicine through Ethics) course offered by the Center for Continuing Education in the Health Professions at UMDNJ-Robert Wood Johnson Medical School, 97 Paterson Street, Room 124, New Brunswick, New Jersey 08903, or another ethics course of similar content that is pre-approved by the Board. Documentation of full attendance and successful completion of the course shall be provided to the Board prior to reinstatement.

8. Respondent shall complete seven hours of continuing education in record keeping. The course shall be completed within six months of the entry of this Consent Order. The course, which is in addition to the regularly required continuing education hours, shall be approved by the Board in writing prior to attendance. Respondent shall complete the attached continuing education course approval and shall provide proof of successful completion of the required course work.

9. Respondent shall cease and desist violating the laws and

regulations governing the practice of dentistry and shall refrain from performing procedures that are outside of the scope of the practice of Dentistry as defined by N.J.S.A. 45:6-19.

10. Failure to comply with any of the terms of this Consent Order may result in activation of the stayed portion of the suspension as well as further disciplinary action.

**NEW JERSEY BOARD OF DENTISTRY**

By: \_\_\_\_\_

*Herbert B. Dolinsky*  
Herbert B. Dolinsky, D.D.S.  
Board President

I have read and understand  
this Consent Order and agree  
to be bound by its terms. I  
consent to the entry of this Order.

*George Flisgrad*  
George Flisgrad, D.M.D.

*9/1/11*  
Date

I consent to the form and entry of  
this Order

*Joseph K. Cooney*  
Joseph K. Cooney, Esq.  
Widman, Cooney & Wilson, LLC

*9/1/11*  
Date

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or **safeguarded**. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.



## **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

## **6. Reports of Reimbursement**

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

## **7. Report of Changes of Address**

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.